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*Attorney for Defendants Neil Skougard,
Arnold Van Dugteren, FNU Arrowsmith
and Ogden City*

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH – CENTRAL DIVISION

KEVEN IRONS,

Plaintiff,

vs.

NEIL SKOUGARD, ARNOLD VAN
DUGTEREN, FNU ARROWSMITH, and
CITY OF OGDEN

Defendants.

**DEFENDANT'S DISCLOSURE OF
EXPERT TESTIMONY AND
CERTIFICATE OF SERVICE OF
DEFENDANTS' EXPERTS' REPORTS**

Case No. 1:14cv00104

Judge: Furse

Defendants, by and through their counsel, Stephen F. Noel and the law firm of SMITH KNOWLES, P.C., make the following disclosures and designations pursuant to Federal Rules of Civil Procedure 26(a)(2):

RETAINED EXPERTS

1. David Moody, Ph.D., Director Center for Human Toxicology, University of Utah Health Care, 30 South 2000 East, Room 105, Salt Lake City, UT 84112.

i. Dr. Moody's statement of opinions and the basis and reasons for them are included in his report attached hereto.

ii. The facts and data considered by Dr. Moody in forming his opinions are included in his report attached hereto.

iii. See documents provided herewith and referenced in Dr. Moody's report attached hereto.

iv. Dr. Moody's CV is attached hereto and provides information about his education, certifications, experience, memberships, and publications.

v. See "Log of Legal Consults" attached hereto.

vi. Dr. Moody's fee schedule is as follows:

\$375 per hour for records review, report preparation, consultations

\$450 per hour for deposition and trial

2. Christian Newlin, Sergeant, Utah Highway Patrol, 410 West 9800 South, Sandy, Utah 84070.

i. Sgt. Newlin's statement of opinions and the basis and reasons for them are included in his report attached hereto.

ii. The facts and data considered by Sgt. Newlin in forming his opinions are included in his report attached hereto.

iii. See documents provided herewith and referenced in Sgt. Newlin's report attached hereto.

iv. Sgt. Newlin's CV is attached hereto and provides information about his education, certifications, experience, memberships, and publications.

v. The list of cases in which Sgt. Newlin has testified as an expert is included in his CV attached hereto.

vi. Sgt. Newlin's charges \$71.30 per hour, with a 2 hour minimum.

NON-RETAINED EXPERTS

3. Officer AJ VanDugteren, Ogden City Police Department

Officer Neil Skougard, Ogden City Police Department

It is possible that Officers VanDugteren and Skougard will provide some expert testimony regarding their training and experience as police officers and with respect to the recognition of drugs and alcohol in people, automobiles, etc., including all factors used to make such determinations, as well as field sobriety testing and the appropriate conduct of officers when investigating drivers for insobriety or alcohol consumption. They are expected to testify consistent with their deposition testimony in this case generally, and specifically are expected to testify that Mr. Irons and/or his vehicle smelled of alcohol consistent with their training and experience in other stops and cases and that their command that he exit the vehicle was appropriate and justified given what they observed. Also, that Mr. Irons' conduct, such as avoiding eye contact, and nervousness, together with the odor of alcohol are justifiable signs of possible alcohol consumption.

This designation may be supplemented as more information becomes available.

DATED this 5th day of January, 2016.

SMITH KNOWLES, P.C.

/s/ Stephen F. Noel
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of January, 2016, I served the foregoing pleading on the following parties by email and U.S. Mail:

Tyler B. Ayres
ATTORNEY AT LAW
12339 South 800 East, Suite 101
Draper, UT 84020
tbayres98@gmail.com

/s/ Shannon Hoopes
Shannon Hoopes
Paralegal